

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Rev. May 2007

-----X
GUARDIAN NEWS,

Plaintiff(s),

ORDER FOR COURT CONFERENCE

-against-

07 Cv. 5715 (CLB) (GAY)

PLEASANTVILLE,

Defendant(s).

-----X

To: The Attorney(s) for Plaintiff(s)

Sufficient cause appearing, counsel for all parties herein shall attend a conference at the time and place fixed below, for the purpose of Case Management and scheduling pursuant to Rule 16, F.R. Civ. P.

YOU ARE DIRECTED TO NOTIFY ALL ATTORNEYS IN THIS ACTION IN WRITING.

DATE AND PLACE OF CONFERENCE:

FRIDAY, SEPTEMBER 14, 2007, AT THE UNITED STATES COURTHOUSE, WHITE PLAINS, NEW YORK, IN COURTROOM 218 AT 9:00 A.M.

SUBJECTS FOR CONSIDERATION AT THE CONFERENCE:

1. The Court will request from each attorney, beginning with Plaintiff's counsel, a brief oral statement reporting the status of the case, setting forth the factual and legal basis for the claims or defenses and outlining the nature of the dispute(s) to be adjudicated. Subject matter jurisdiction will be considered, as well as any other issue which may be relevant to case management.
2. The Court will inquire whether the defense of qualified immunity from suit has been or will be asserted by any defendant(s) with respect to any claims(s) in the case.

3. In cases where Rule 26(f) F.R.Civ.P. applies, counsel for the parties shall confer in compliance therewith at least twenty-one (21) days prior to the scheduled conference to agree upon a proposed discovery plan which shall assure trial readiness within six (6) months of the date of the conference. If so advised, a written report generated pursuant to Rule 26(f) may be attached to and incorporated in the Court's Civil Case Discovery Plan and Scheduling Order. A longer period than six months to become ready for trial will be granted by the Court only after hearing counsel, and where the interests of Justice require. Please fill out the Court's form of Civil Case Discovery Plan and Scheduling Order by agreement of counsel and bring it with you to the Courthouse. Use of the official form is preferred. In the absence of an agreement, the Court will impose its own Civil Case Discovery Plan and Scheduling Order at the conference after hearing counsel.

4. Where there is written consent to trial before the Magistrate Judge, trial will be held on an agreed date certain, and the Magistrate Judge will prepare or amend the Civil Case Discovery Plan and Scheduling Order consistently with such date.

SO ORDERED.

Dated: White Plains, New York
June 27, 2007

Charles L. Brieant

Charles L. Brieant, U.S.D.J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Rev. January 2006

-----X
GUARDIAN NEWS,

Plaintiff(s),

- against -

PLEASANTVILLE,

Defendant(s).
-----X

CIVIL CASE DISCOVERY PLAN
AND SCHEDULING ORDER

07 Civ. 5715 (CLB) (GAY)

This Court requires that this case shall be ready for trial on or after February 15, 2008.

The following Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel for the parties, pursuant to Rules 26(f) and 16 of the Federal Rules of Civil Procedure.

The case (is) (is not) to be tried to a jury.

Joinder of additional parties must be accomplished by _____.

Amended pleadings may be filed until _____.

Discovery:

1. Interrogatories are to be served by all counsel no later than _____, and responses to such interrogatories shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 (shall) (shall not) apply to this case.
2. First request for production of documents, if any, to be served no later than _____.
3. Depositions to be completed by _____.
 - a. Unless counsel agree otherwise or the Court so orders, depositions are not to be held until all parties have responded to any first requests for production of documents.
 - b. Depositions shall proceed concurrently.
 - c. Whenever possible, unless counsel agree otherwise or the Court so orders, non-party depositions shall follow party depositions.
 - d. If the defense of qualified immunity from suit as a matter of law has been or will be asserted by any defendant(s) with respect to any claim(s) in the case, counsel for any such defendant(s) shall, within thirty (30) days of this order depose

the New York Law Journal by Judge Brieant for hearing motions. The motion shall, in the absence of agreement of counsel, be limited to the issue of qualified immunity, and plaintiff(s) version of the events shall be assumed true for purposes of the motion.
Failure to comply with this provision of this Order shall operate as a waiver of the opportunity to resolve the issue of qualified immunity by motion prior to trial.

4. Any further interrogatories, including expert interrogatories, to be served no later than _____.
5. Requests to Admit, if any to be served no later than _____.
6. Additional provisions relating to discovery agreed upon by counsel for the parties (are) (are not) attached and made a part hereof.
7. All discovery is to be complete by _____.

Dispositive motions, if any, must be served on notice as required by Local Civil Rule 6.1, and must be returnable before the Court on a published motion day, no later than three weeks before the ready for trial date.